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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,773	07/15/2003	James W. Hodges	60680-1802	8782
10291	7590 10/06/2004		EXAM	INER
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			PICKARD,	ALISON K
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Application No. 10619,773						
Examiner Art Unit Alson K. Pickard Art Unit Alson K. Pickard Art Unit Alson K. Pickard Alson		Application No.	Applicant(s)			
Alison K Pickard 3676		10/619,773	HODGES, JAMES W.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estamins of time may be available under the provisions of 37 CFR 1.13(s). In or event, however, may a reply be timely filed she six (s) MONTHS from the mailing date of this communication. Estamins of time may be available under the provisions of 37 CFR 1.13(s). In or event, however, may a reply be timely filed she six (s) MONTHS from the mailing date of this communication of the state of the she she she provise she she patients on the scene ABANDONED (30 U.S.C. § 133). Any in thy provise by the Office idea than these monitor either the mailing date of the communication. Period of the communication of the same patients and the mailing date of the communication, even if timely filed, may reduce any variety patient term sellputanest. See 37 CFR 1.74(s). Status 1) Responsive to communication(s) filed on	♦ Office Action Summary	Examiner	Art Unit			
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1, 3, 4, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jelinek (4,300,773).

Jelinek discloses a gasket method of making a gasket comprising a metal base sheet 12 having at least one aperture 18 bound by an edge wherein one or more coined angles 20 (see col. 2, line 18) are formed at the edge and an elastomeric material (silicone rubber) 22 is disposed on the angles to form a sealing bead.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jelinek.

While Jelinek discloses a substantially thin base sheet, Jelinek does not appear to disclose a thickness of 1.0mm. This is considered a design choice. It is not considered inventive to discover the workable or optimum ranges by routine experimentation. See In re Aller, 105 USPQ 233, 235 (CCPA 1955). Therefore, it would have been obvious for one of ordinary skill

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in the art at the time the invention was made to make the base sheet 1.0mm thick as a matter of choice in design.

5. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jelinek in view of Terai (5,322,299).

Jelinek does not disclose that a texture is applied to the coined angles. Terai teaches a gasket and method of making a gasket having an elastomer applied to a region of a base sheet. Terai teaches applying a texture 21 at the region the elastomer is to be applied to improve the adhesion (see col. 2, lines 61-65). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to apply a texture to the coined angles of the base sheet to improve adhesion of the elastomer applied thereto as taught by Terai.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Alison K. Pickard Primary Examiner

Art Unit 3676

AP